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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/661,350
Filing Date: September 12, 2003
Appellant(s): WINKLER ET AL.

Jeffrey C. Hood
Reg. 35198
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06/11/2009 appealing from the Office action

mailed 10/01/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

This appeal involves claims 1, 3-12, 14-19, and 22-30.

Claims 2, 13, 20 and 21 are canceled.

Claims 5, 6, 14, 15, 26, 27, 29 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner.

Claims 5, 6, 14, 15, 26, 27, 29 and 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnis (WO 01/13574) in view of Sarfati et al (US 2004/0015316) in view of Slaughter (U.S. 6,643,650).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

20040015316	Sarfati	1-2004
6643650	Slaughter	11-2003
6853988	Dickenson	2-2005
WO 01/13574	Kinnis	2-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 3, 4, 7, 8, 10, 12, 18, 19, 24, 25 and 28 are rejected under 35 U.S.C.

103(a) as being unpatentable over Kinnis (WO 01/13574) in view of Sarfati et al (US

2004/0015316).

With respect to claims 1 and 24, a method for validating a message with a

signature, wherein said method comprises: receiving said message with said signature

(see page 15 lines 19-24 i.e. The digital signature service receives the signature file.

The certificate, document and signature are extracted from the signature file.); and

carrying out an integrated validation and storing process, wherein said signature is

validated based on a validation algorithm (see page 16 line 11 – page 17 line 9 i.e.

message digest) and a key (see page 16 line 11 – page 17 line 9 i.e. certificate's public

key) and said received message is stored in a database (see page 15 lines 8-15 i.e. if

the document is verified through the digital signature, the document and the signature

are stored in a persistent data store such as data store 700).

Kinnis does not teach where said message and validating said signature within

one atomic process prevents possible modification of the message between validation

and storage. Sarfati teaches where said message and validating said signature within

one atomic process prevents possible modification of the message between validation

and storage (paragraph 0159). It would have been obvious at the time the invention was

made to a person having ordinary skill in the art to which said subject matter pertains to

have prevented the modification of application between receiving and storing to make

sure the code have not been tampered with (paragraph 0159). Therefore one would

have been motivated to have prevented the modification of the message between

receiving and storing.

With respect to claims 3 and 25, wherein the storing process is rolled back, if the

signature is not valid (see page 15 lines 8-15 i.e. if the document is verified through the

digital signature, the document and the signature are stored in a persistent data store

such as data store 700).

With respect to claim 4, wherein the storing process is completed, if the signature

is valid (see page 15 lines 8-15 i.e. if the document is verified through the digital

signature, the document and the signature are stored in a persistent data store such as

data store 700).

With respect to claim 7, wherein the integrated validation and storing process is

carried out by said database (see figure 1 element 100 Digital Signature Service and

page 15 line 7 – page 17 line 9).

With respect to claim 8, wherein the integrated validation and storing process is

controlled by said database (see figure 1 element 100 Digital Signature Service and

page 15 line 7 – page 17 line 9).

With respect to claim 10, wherein said signature is a digital signature (see page

15 line 7 – page 17 line 9).

With respect to claims 12 and 28, a method for generating a signature for a

message, wherein said method comprises: carrying out an integrated receiving and

generating process, wherein said message to be sent is received and said signature is

generated based on a signing algorithm (see page 12 line 23 – page 15 line 5 i.e.

message digest) and a key (see page 12 line 23 – page 15 line 5), and sending said

message with said signature (see figure 5 and page 15 lines 3-5 i.e. once the signature

file has been created the user of the digital signature service may use any means

available to send a file to a recipient). Kinnis does not teach where said message and

validating said signature within one atomic process prevents possible modification of the

message between validation and storage. Sarfati teaches where said message and

validating said signature within one atomic process prevents possible modification of the

message between validation and storage (paragraph 0159). It would have been obvious

at the time the invention was made to a person having ordinary skill in the art to which

said subject matter pertains to have prevented the modification of application between

receiving and storing to make sure the code have not been tampered with. Therefore

one would have been motivated to have prevented the modification of the message

between receiving and storing.

With respect to claim 18, wherein said integrated receiving and generation

process is carried out in a database (see figure 1 element 100 Digital Signature Service

and page 15 line 7 – page 17 line 9), where said message to be sent is stored (see

page 15 lines 8-15 i.e. if the document is verified through the digital signature, the

document and the signature are stored in a persistent data store such as data store

700).

With respect to claim 19, wherein said signature is a digital signature (see page 15 line 7 – page 17 line 9).

With respect to claim 22, An apparatus for validating a message with a signature, wherein said apparatus comprises: a first means for receiving said message with said signature (see page 15 lines 19-24 i.e. The digital signature service receives the signature file. The certificate, document and signature are extracted from the signature file.); and a second means for carrying out an integrated validation and storing process, wherein said second means are capable and affected to validate said signature based on a validation algorithm (see page 16 line 11 – page 17 line 9 i.e. message digest) and a key (see page 16 line 11 – page 17 line 9 i.e. certificate's public key) and to store said message (see page 15 lines 8-15 i.e. if the document is verified through the digital signature, the document and the signature are stored in a persistent data store such as data store 700). Kinnis does not teach where said message and validating said signature within one atomic process prevents possible modification of the message between validation and storage. Sarfati teaches where said message and validating said signature within one atomic process prevents possible modification of the message between validation and storage (paragraph 0159). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have prevented the modification of application between receiving and storing to make sure the code have not been tampered with. Therefore one would have been motivated to have prevented the modification of the message between receiving and storing.

With respect to claim 23, An apparatus for generating a signature for a message, wherein said apparatus comprises: means for carrying out an integrated receiving and generating process, wherein said means are capable and affected to receive said message to be sent and to generate said signature based on a signing algorithm (see page 12 line 23 – page 15 line 5 i.e. message digest) and a key (see page 12 line 23 – page 15 line 5); and means for sending said message with said signature (see figure 5 and page 15 lines 3-5 i.e. once the signature file has been created the user of the digital signature service may use any means available to send a file to a recipient). Kinnis does not teach where said message and validating said signature within one atomic process prevents possible modification of the message between validation and storage. Sarfati teaches where said message and validating said signature within one atomic process prevents possible modification of the message between validation and storage (paragraph 0159). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have prevented the modification of application between receiving and storing to make sure the code have not been tampered with. Therefore one would have been motivated to have prevented the modification of the message between receiving and storing.

Claims 11, 17, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnis (WO 01/13574) in view of Sarfati et al (US 2004/0015316) in view of Slaughter (U.S. 6,643,650).

Kinnis and Sarfati teach everything with respect to claim 1 above but does not

teach with respect to claims 11, wherein said integrated validation and storing process

is carried out as an ACID transaction. Slaughter teaches wherein said integrated

validation and storing process is carried out as an ACID transaction (see Slaughter

column 45 line 63 – column 46 line 12). It would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject

matter pertains to have used ACID since in the event of a failure, all operations and

procedures should be undone, and all data should rollback to its previous state (see

Slaughter column 45 line 63 – column 46 line 12). Therefore one would have been

motivated to have ACID to decrease the effects of failure on the system.

With respect to claim 17, wherein said integrated receiving and generating

process is carried out as an ACID transaction (see Slaughter column 45 line 63 –

column 46 line 12).

With respect to claim 20, Kinnis teaches the method for validating a message

with a signature, wherein said method comprises: receiving said message with said

signature (see page 15 lines 19-24 i.e. The digital signature service receives the

signature file. The certificate, document and signature are extracted from the signature

file.); sending a request to a security device (page 12 line 23 – page 13 line 3);

validating said signature in said security device (see figure 7 digital signature service

and page 15 lines 16-24 i.e. the digital signature service verifies that the signature is

from a trusted certificate authority); and storing of said message in response to the

result of the validation (see page 15 lines 8-15 i.e. if the document is verified through

the digital signature, the document and the signature are stored in a persistent data store such as data store 700). Kinnis does not teach starting an ACID transaction and committing said ACID transaction (see Slaughter column 45 line 63 – column 46 line 12). Slaughter teaches starting an ACID transaction and committing said ACID transaction (see Slaughter column 45 line 63 – column 46 line 12). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have used ACID since in the event of a failure, all operations and procedures should be undone, and all data should rollback to its previous state (see Slaughter column 45 line 63 – column 46 line 12). Therefore one would have been motivated to have ACID to decrease the effects of failure on the system.

      With respect to claim 21, Kinnis teaches the method for generating a signature for a message, wherein said method comprises: acquiring said message to be signed (page 12 line 23 – page 13 line 3); sending a request to a security device (see figure 5 digital signature service and page 12 line 23 – page 13 line 3); generating said signature for said message in said security device (see page 12 line 23 – page 15 line 5); and sending said message with said signature (see figure 5 and page 15 lines 3-5 i.e. once the signature file has been created the user of the digital signature service may use any means available to send a file to a recipient). Kinnis does not teach starting an ACID transaction and committing said ACID transaction (see Slaughter column 45 line 63 – column 46 line 12). Slaughter teaches starting an ACID transaction and committing said ACID transaction (see Slaughter column 45 line 63 – column 46 line 12). It would

have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have used ACID since in the event of a failure, all operations and procedures should be undone, and all data should rollback to its previous state (see Slaughter column 45 line 63 – column 46 line 12). Therefore one would have been motivated to have ACID to decrease the effects of failure on the system.

Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinnis (WO 01/13574) in view of Sarfati et al (US 2004/0015316) in view of Dickinson et al (U.S. 6,853,988).

Kinnis and Sarfati teach everything with respect to claim 1 above but does not teach with respect to claim 9, wherein said message is an XML-document. Dickinson teach wherein said message is an XML-document (see Dickinson column 27 lines 16-25). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have wherein said message is an XML-document since XML documents advantageously allow designers to create their own customized document tags, enabling the definition, transmission, validation, and interpretation of data between applications and between organizations (see column 9 lines 38-61). Therefore one would have been motivated to have ACID to decrease the effects of failure on the system.

With respect to claim 16, wherein said message is an XML-document (see

Dickinson column 27 lines 16-25).

(10) Response to Argument

Applicant's arguments with respect to claim 1 and 22 have been fully considered

but they are not persuasive. Kinnis teaches wherein in said integrated validation and

storing process said message is stored and said signature is validated within one

atomic process on page 15 lines 8-15 i.e. if the document is verified through the digital

signature, the document and the signature are stored in a persistent data store such as

data store. The document is stored every time the document is verified. Sarfati is only

used to show the prevention of possible modification of the message between validation

and storage (paragraph 0159) to help prevented the modification of application between

receiving and storing to make sure the code have not been tampered with (paragraph

0159).

According to the specification, the term atomic means that the transaction cannot

be divided into smaller parts. The transaction can either be carried out complete or not

at. This is what Kinnis is teaching on page 15 lines 8-15 i.e. if the document is verified

through the digital signature, the document and the signature are stored in a persistent

data store such as data store (one integrated process). The document is stored every

time the document is verified.

Applicant's arguments with respect to claim 12 and 23 have been fully

considered but they are not persuasive. Kinnis teaches the integrated receiving and

generating process comprises receiving said message to be sent and generating said

signature within one atomic process in figure 6 and page 13 line 10 – page 15 line 5. In

the flow diagram. According to the specification, the term "atomic" means that the

transaction cannot be divided into smaller parts. The transaction can either be carried

out complete or not at. This is what Kinnis is teaching in figure 6 where the process has

to all be done.

Kinnis also teaches on page 14, line 21 – page 15, line 2, that the method of

figure 6 minimizes the ability to tamper with the signature.

Applicant's arguments with respect to claim 3 and 25 have been fully considered

but they are not persuasive. Kinnis clearly teaches wherein the storing process is rolled

back if the signature is not valid on page 16 line 20 - page 17 line 9. If the signature is

not valid the process is stopped and the storing is not completed.

Applicant's arguments with respect to claim 7, 8 and 18 have been fully

considered but they are not persuasive. Kinnis clearly teaches that the integrated

validation and storing process is carried out by said database. Figure 3 and page 9 line

11-15 clearly teach that this process is done at a database.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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